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VALENCIA GRAND JURY RETURNS INDICTMENTS

Out of Eighteen Cases Examined Twelve True Bills Are Found
COUNTY'S FINANCES NEVER BETTER

Judge Ira A. Abbott, sitting in the Valencia county court at Los Lunas, yesterday received the report of the grand jury for that county, which had completed its work. The jury was then discharged by the court. Its report is exceedingly interesting, and the recommendations made are wise and timely.

The jury examined fifty-one witnesses and out of the eighteen cases under consideration it returned twelve true bills and four "no bills" in six cases. It examined the various offices and records of the county and found everything in good condition. The jury lays particular stress upon the excellent financial condition of the county, which it says was never better. A new court house is recommended in the report and it also asks that the Sunday law be rigidly enforced.

Indictments Returned.

Territory vs. J. Westley, larceny of horse.
Territory vs. J. Westley, assault with intent to murder.
Territory vs. Eben Baca, murder, alleged to have been committed on December 3, 1904.

Territory vs. Wilson Torres and Gabino Ontano, assault with intent to kill.
Territory vs. Rulero Escarcia, assault with intent to murder.

Six more true bills have been returned against parties who have not yet been apprehended.

The court set several cases for trial next week, among them the case of the Territory vs. Manuel Chavez, charged with the murder of Manuel Rael, on December 1, 1903, at El Bosque.

The complete report of the grand jury and the court's remarks in connection with it follows:

Grand Jury's Report.
To the Honorable Ira A. Abbott, Judge of the District Court of Valencia County:

Sir: We, the grand jurors of Valencia county, empaneled at the September term, 1905, beg leave to submit this as our final report.

We have been in session less than five days, have examined fifteen witnesses, and have had eighteen cases under consideration. We have returned to the court indictments in twelve cases, and "no bills" in six cases. In those cases where no bills were found the accused persons were not in custody or under bonds.

We have made no presentments to the court, as to do so, would seem to be an injustice to those accused and would unnecessarily encumber the records of the court.

We have made the usual examination of the various records and offices of the county, and so far as can be seen from the limited time at our disposal, we find everything to be in satisfactory condition, the books in good order and well kept. We do not desire to commend ourselves or our fellow citizens on the fact, as we learn from the county treasurer, that the county is in better financial condition than ever before.

New Court House Needed.
We find that the court house is now inadequate to the needs of the county, and is emphasized by the fact that, at this time of court, it has been necessary to rent a room outside for the use of the grand jury. We recommend to the county commissioners either that additions be made to the present court house, or that a new court house be constructed, and that large fireproof vaults be provided in which all county records can be kept with safety.

We feel compelled to call attention to the county jail, which is not a fit place in which to confine any human being, and we urge upon the board of commissioners that this be remedied at the earliest possible moment. The sheriff and his subordinates undoubtedly do the best possible to make imprisonment in this jail as endurable as it can be, but with the accommodations at their disposal, they can do little in that direction.

Sunday Law Violation.
Our attention has been called to the fact that many saloon keepers have been doing business on Sunday in violation of law; but we have not considered it just or proper to find indictments at the present time for these offenses, for the reason that the law has not been enforced for years, and people, with reason, have come to believe that the law has been intentionally ignored by the officers who ought to enforce it, and that they had some right to disregard it. We are satisfied that these offenses will cease if some notice and warning are

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given to the offenders. We therefore recommend to you that, in open court, and in the most public manner possible, you instruct and direct the sheriff of the county to notify all such persons that future violations of this law will be prosecuted and punished, and that he do all in his power to put a stop to it, as the continued violation of one law tends to create a disrespect of law.

We make this recommendation out of consideration for the misguided people who have violated the law, who ought to be warned before being prosecuted, and because we are convinced, irrespective of the merits of this, or of any other law, that the disregard of one law tends to create a disrespect of all laws.

We desire to express our appreciation of the courteous and kind treatment which we have received from the court, and from all of the officers of the court and the county, which has greatly expedited our labors.

Having completed our labors, we now respectfully ask to be discharged for the term.

Court Discharges Jury.
The court, in discharging the grand jury, said:

"Mr. Foreman, and Gentlemen of the Grand Jury:

"In the first place, I wish to thank you for your attendance, and for the manner in which you have performed your duties as grand jurors. You have shown yourselves in that way to be good citizens of this county and of the territory of New Mexico. I quite agree with you that the class of violators of the Sunday law, to whom you have referred in your report, should receive admonition and have an opportunity to profit by it, before being subjected to the penalty of the law. Since it is doubtless true, as you have said in your report, that this law has been in a large part, if not in all of the territory, allowed to slumber for years, and it is quite true, too, as you say in your report, that the disregard of one law leads gradually to the disregard of all laws, I therefore, shall now proceed to do what your report recommends should be done, and I instruct the sheriff, now present, that it is his duty to call to the attention of all

licensed dealers in liquor throughout the county, this report which you have made, and the fact that they are from week to week, violating the law. And I instruct him further, that it is his duty to proceed under the directions of the district attorney and in such manner as he shall direct, to have this law enforced and the saloons closed on Sunday, as the law requires. I have no doubt that the sheriff will proceed in this manner and will meet with immediate success, for I am informed that the class of dealers to whom your report refers are really law abiding men, and that they have proceeded in violation of the law because they understood that dealers in other counties were doing so, and that if they understand the law is to be enforced they will readily and cheerfully yield obedience to it, and that instead of following the evil example in other counties, they will do their part toward furnishing in this county a good example for the other counties and districts to follow.

"I thank you again for your services, and now that they are complete, I comply with your request and discharge you from further attendance."

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CHILDERS DENIES STATEMENTS OF THE JOURNAL AND NEW MEXICAN AS TO HIS POSITION IN THE PAST

Albuquerque, N. M., Sept. 9, 1905.
To the Evening Citizen:

I cannot pass without notice an editorial in this morning's Journal, quoting from the Santa Fe New Mexican. This is evidently done for the purpose of attempting to discount the statement which I made over my own signature as to the claim made by the governor's power to remove officers in New Mexico. The Journal says:

"The New Mexican calls attention to the fact that about ten years ago Governor Thornton did in the case of a Santa Fe county official just what Governor Otero has now done in the cases of the three officials in Bernalillo county, and the same attorney who is now chief counsel for the ousted officials, and denying the governor's power to remove them, was at that time attorney for the party of the other part, and contending that the governor was acting wholly within his prerogative."

In this statement there are just two unqualified and unmitigated falsehoods, and I have the right to assume that that deceitful and unmitigated old fossil Burke and the other deceitful and unmitigated humbug who edits the New Mexican know very well that these statements are falsehoods when they publish them.

In the first place, Governor Thornton and no other governor of New Mexico until now ever attempted to assume to remove any officer from office without some specific statute empowering him to do so, and defining the charge on which the officer could be removed. Nor did any governor ever claim the right to remove an officer, because he was charged with the duty of "seeing that the laws were faithfully executed." This is a falsehood number one. It is true that Governor Thornton removed Sheriff Conklin in Santa Fe county, and appointed one Cunningham in his place, and this case is brazenly referred to as authority for the decision of the supreme court, in what is known as the Eldred case, without the slightest justification. By a reference to Conklin vs. Cunningham, it will appear "that the governor acted under and pursuant to authority conferred upon him by Section 27, Chapter 25, of the Legislative Assembly of the territory, passed at the 29th session thereof." This section was a part of the school bill of 1901, and made the sheriff and ex-officio collector removable for failure to pay over school moneys.—T. N. M. 450.

Second: It is not true that the chief counsel, in the present cases, as I am denominated in this article, had anything whatever to do with the Cunningham case, as counsel or in any other way, or that any man, in court, out of court or anywhere else, ever heard me claim or pretend to claim, that the governor of New Mexico had any such power as is now asserted. Even the Eldred case, as had law as it is, and concededly so by all members of the bar of New Mexico, does not justify any such action. In that case the governor appointed a territorial treasurer, an officer not selected by the people of New Mexico, but the power to appoint whom in the first and every other instance, is vested in the governor by the organic act of the territory.

The twaddle in this article about a lawyer being a mere agent and so on, is probably unworthy of notice. It is not out of place, however, to say that it is not to be expected that editors of the stamp of the two above referred to, could be capable of distinguishing between the duties of a lawyer in the advocacy of a cause, and his duty and convictions as a citizen. Editors of this class have no convictions of any kind, as a citizen or any other way, but are always and at all times at the command of those who want them, and approach them in the proper way, to advocate falsehoods and deceive the public by

any kind of argument or statements, without regard to the principle involved whatever. They are incapable of understanding the duties of a lawyer or the profession of a lawyer.

The Journal made some references to the trial of these cases in public a few days ago. Of course the Journal can not see that any public question is involved in these cases. The matters before the court between the two sets of claimants of the offices is a law suit, triable by the court. The question of the power of the governor to remove officers of the territory the way these have been removed, or at any other time, is a proper question for public discussion. These cases, as far as they involved public rights will be discussed in the forum of public opinion, and before the president and senate of the United States until the rights of the people of New Mexico have been fully vindicated.

W. B. CHILDERS.

OFFICIAL MATTERS

NEW NOTARIES—OFFICIAL MATTERS—TERRITORIAL BOARD OF EDUCATION.

Board of Education.
Governor Otero has appointed Professor Edmund J. Vert, president of the Normal University at Las Vegas, a member of the Territorial Board of Education, vice Miss Maggie J. Bucher, resigned.

Notaries Public Appointed.
The following notaries public have been appointed by Governor Otero: Herbert F. Reynolds, Albuquerque, Bernalillo county; Howard N. Thorpe, Pama, Torrance county; Frederick A. Kenniston, Vermejo, Colfax county.

Reclamation Project in Estancia Valley.
Mr. Richardson of the Bureau of Reclamation, who has been making examination of the Estancia valley with regard to the feasibility of obtaining artesian water at that place is expected to make his report within a couple of weeks, when the government will determine whether it will give it its aid.

Meeting of Territorial Board of Education Tomorrow.
The Territorial Board of Education met this morning at the offices of Professor Hiram Hadley, superintendent of public instruction, at the capitol, in regular quarterly meeting. The members of the board are: Governor M. A. Otero, ex-officio; Professor Hiram Hadley, superintendent of public instruction; Brother Butolph, president St. Michael's College; Professor Luther Foster, president of the College of Agriculture and Mechanic Arts; Professor C. M. Light, president Normal Institute, Silver City; Professor W. G. Tighit, president of University of New Mexico; Professor E. J. Vert, president of Normal University at Las Vegas.

HOMESTEADERS BRING A BAND ON SPECIAL TRAIN

A special solid vestibuled train of five Pullman sleepers and Santa Fe diner arrived in Roswell Wednesday with 225 homesteaders and capitalists from the eastern and northern states. This was the finest train that has ever been brought to the Pecos valley. The Kirkwood, Ill., band of twenty-five pieces accompanied the party.

Soothing and Cooling.
The salve that heals without a scar is De Witt's Vitch Hazel Salve. No remedy effects such speedy relief. It draws out inflammation, soothes, cools and heals all cuts, burns and bruises. A sure cure for piles and skin diseases. DeWitt's is the only genuine Vitch Hazel Salve. Beware of counterfeits, they are dangerous. Sold by all druggists.

Jacobson Sisters, dressmakers and ladies' tailors, have returned to 401 North Fifth street.